William S. Kubiak
Manager, Air Compliance
United States Steel Corporation
600 Grant Street
Pittsburgh, PA 15219-2800

Re: United States Steel Corporation - Clairton Coke Operations
Request for Applicability Determination
40 CFR 61 Subparts L and V

Dear Mr. Kubiak:

This is in response to your letter dated January 28, 2002, in which you requested a written determination regarding the applicability of 40 CFR 61 Subparts L and V to specific equipment at the coke by-product recovery plant of United States Steel Corporation's coke making operations in Clairton, Pennsylvania. The equipment for which you request the determination are four identical containers that you refer to in your letter as "tar decanter pitch traps".

From the description in your letter and subsequent information you provided, the pitch traps are approximately three feet wide and five feet long and are closed to the atmosphere except for 2.5 square feet at one end. The input to the pitch traps is the tar from a group of tar decanters. The tar enters the traps on one end near the top, flows downward through a screen situated diagonally in the traps, and exits from the other end of the traps near the bottom. The purpose of the traps is to filter out course particles on the screen, which are then scraped from the top of the screen by a motorized drag rake. The coarse particles, consisting of ash, coal and coke fines, exit from the top of the pitch traps at the open end. These solids are recycled to the coke oven batteries as a raw material. The filtered tar is piped to a tar receiver and then to tar storage tanks.

Additional information that you include in your letter is sampling information for the tar that is received in the pitch traps. The tar was analyzed for benzene, a known carcinogen, which the United States Environmental Protection Agency (U.S. EPA) intended to regulate with promulgation of Subpart L, 40 CFR Part 63. The results you included indicate a range of concentrations from 0.021% to 0.400% of benzene.

After considering all of the information that you provided and discussing the history and background of the regulations with personnel in our Office of Air Quality Planning and Standards, we have determined that tar pitch traps are not covered by Subparts L or V. Our specific reasoning is as follows:

Emission sources that are covered by Subpart L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants are specified in the definitions, 40 CFR 61.131. Following the arguments in your letter, the pitch traps could possibly be considered to be tar decanters, tar intercepting sumps or tar storage tanks. Taking these items individually, the pitch traps do not follow the definition of tar decanters, because by definition, these sources function to "separate heavy tar and sludge from flushing liquor." While the function of the pitch traps is to separate heavy particles from the tar, it can arguably also serve to further separate heavy tar from sludge. However, there is no flushing liquor being removed in the pitch traps and therefore, does not fit within the definition of tar decanter.

Similarly, the pitch traps do not meet the definition of tar intercepting sumps, because tar intercepting sumps serve to "receive or separate tars and aqueous condensate discharged from the primary cooler." In the case of the pitch traps, the material is received not from the primary cooler but from the tar decanters.

With respect to the possibility of the pitch traps being categorized as tar storage tanks, we disagree with your reason for not considering them to be covered as tar storage tanks. You argue that the definition identifies a tar storage tank as "any vessel, tank, reservoir, or other type of container used to collect or store crude tar..." and since the inflow of the pitch traps equals the outflow, there is no collection or storage. Your letter states that the words "collect or store", according to common definition, requires that material be allowed to accumulated over time. According to the dictionary's definition, while the word "store" does in fact have a time requirement, the word "collect" does not. It should be noted that the definition in Subpart L uses "collect or store" rather than "collect and store", making the two words mutually exclusive. However, the Subpart L definition refers specifically to "crude tar". Although "crude tar" is not defined in the rule, it is the common term for tar that is recovered for more refined processing, which is typically not done by integrated steel companies. Crude tar from the tar decanters is piped into tar storage tanks, or first into tar receiving tanks if dewatering is necessary, and then it is sold. In the case of the pitch traps, the process can be considered to be a last step in final processing. Therefore, the tar that enters the pitch traps is not yet "crude tar" and is not covered by the definition of tar storage tank.

Incorporated into Subpart L by reference is Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources). In paragraph 61.135(a) of Subpart V, emission sources that are covered by the rule are those sources that are "in benzene service". In Subpart L 40 CFR 61.131 - Definitions, "in benzene service" means "a piece of equipment, other than an exhauster, that either contains or contacts a fluid that is at least 10 percent by weight benzene." From the testing information you supplied, the benzene content of the fluid entering the pitch traps is significantly less than the threshold amount and therefore, Subpart V also does not apply.

If you have any questions about this determination, please contact James Hagedorn of my staff at 215-814-2161, or you can e-mail him at hagedorn.james@epa.gov.

Sincerely,

, Director
Air and Waste Management Division

cc: Sandra Etzel
Allegheny County Health Department